

Message Text

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FOL REPEAT IAEA VIENNA 1987 ACTION SECSTATE INFO USERDA
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QUOTE

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E.O. 11652: GDS
TAGS: AORG, IAEA, PARM, SF
SUBJECT: FUTURE OF SOUTH AFRICA ON IAEA BOARD OF GOVERNORS:
A POSSIBLE SOLUTION

REF: (A) 76 IAEA VIENNA 8578 (NOTAL), (B) 76 IAEA VIENNA 8768
(NOTAL) (C) 76 IAEA VIENNA 9990 (NOTAL)

1. SUMMARY. MISSION RECOMMENDS DEPT. CONSIDER PARTICIPATING
IN JOINT OR COORDINATED APPROACHES TO SAG AIMED AT PERSUADING
SAG TO TAKE POSITIVE STEP RE NPT ADHERENCE (OR ACCEPTABLE
ALTERNATIVE) AS AN INDISPENSABLE CONDITION OF ANY ARRANGEMENT
WHICH WOULD SECURE CONTINUED MEMBERSHIP OF SOUTH AFRICA
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ON IAEA BOARD OF GOVERNORS. END SUMMARY.

2. DISCUSSIONS I HAVE HAD RECENTLY WITH MY COLLEAGUES IN
THE CANADIAN AUSTRALIAN, AND UK MISSIONS HAVE PRODUCED
GENERAL AGREEMENT AMONG US THAT IF MATTERS ARE LEFT TO
TAKE THEIR OWN COURSE, THE CHANCES OF SOUTH AFRICA BEING
AGAIN DESIGNATED TO THE BOARD AS AN "ADVANCED MEMBER"
ARE VIRTUALLY NIL, AND THAT IF SAG IS REMOVED FROM
THE BOARD, ITS FUTURE IN THE AGENCY WILL BECOME DOUBT-
FUL WHICH WILL RAISE SERIOUS CONCERNS RELATED TO THE
NON-PROLIFERATION EFFORT. IT WILL ALSO, AS NOTED IN
REF A, PARA 7, BRING INTO QUESTION FUTURE CREDIBILITY

OF THE BOARD, WHICH IS THE PRINCIPAL ORGAN OF THE AGENCY INsofar AS SAFEGUARDS POLICIES ARE CONCERNED. IN SHORT, AS MISSION HAS OBSERVED IN THE PAST, IT IS IN INTEREST OF U.S.G. AS WELL AS OF ENTIRE AGENCY MEMBERSHIP TO MAINTAIN ACTIVE INTEREST AND PARTICIPATION OF SAG IN IAEA. WE HAVE ALSO AGREED THAT POSSIBILITIES EXIST FOR A SOLUTION WHICH WOULD MAINTAIN BOARD MEMBERSHIP FOR SAG WHILE RESPONDING TO INSISTENCE ON PART OF OTHER AFRICAN STATES THAT AREA OF AFRICA NOT RPT NOT BE "REPRESENTED" ON BOARD BY SAG. POSSIBLE SCENARIOS FOR SUCH A SOLUTION ARE SET FORTH BELOW.

3. IT IS OUR CONSIDERED OPINION, HOWEVER, THAT REGARDLESS OF THE MODALITIES, A SINE QUA NON OF ANY ARRANGEMENT ACCEPTABLE TO THE AFRICANS IS A POSITIVE AND CONVINCING STEP BY SAG TOWARD ADHERENCE TO THE NPT. AS REPORTED REFS B AND C, SENEGALESE CHAIRMAN OF BOARD (CISSE) HAS CITED THIS AS A MINIMUM REQUIREMENT OF SOUTH AFRICA'S CONTINUED BOARD MEMBERSHIP. THIS POSITIVE ACT COULD TAKE VARIOUS FORMS SHORT OF ACTUAL NPT ADHERENCE PRIOR TO JUNE BOARD. AN AUTHORITATIVE PUBLIC STATEMENT THAT SAG WAS REVIEWING ITS POSITION REGARDING NPT IN A FAVORABLE MANNER COULD BE EFFECTIVE. SAG MIGHT ALSO BE WILLING, AS COMPLEMENTARY AND CONVINCING.

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ING GESTURE, TO FOLLOW EXAMPLE ALREADY SET BY JAPAN AND ANNOUNCE ITS READINESS TO ENTER INTO NEGOTIATIONS WITH AGENCY ON AN NPT-TYPE SAFEGUARDS AGREEMENT IN ADVANCE OF ITS ADHERING TO NPT. YET ANOTHER ALTERNATIVE WOULD BE A STATEMENT OF SAG WILLINGNESS TO ACCEPT AGENCY SAFEGUARDS ON ALL ITS NUCLEAR FACILITIES (AS CONTEMPLATED BY UK INITIATIVE IN IAEA LAST YEAR) IN LIEU OF NPT ADHERENCE.

4. SHOULD SAG DECIDE TO TAKE THIS STEP, THE WAY WOULD BE OPEN FOR CONSIDERATION OF HOW TO MEET THE SECOND ESSENTIAL CONDITION OF ITS CONTINUED BOARD MEMBERSHIP; I.E., THAT SOUTH AFRICA NOT APPEAR TO "REPRESENT" AFRICAN REGION ON BOARD. IN THIS CONNECTION, WE HAVE DISCUSSED THE FOLLOWING ARRANGEMENT WHICH WE THINK HAS MERIT AS AN APPROACH TO THE AFRICAN STATES. ARTICLE VI A.1 OF THE STATUTE PROVIDES THAT THE BOARD DESIGNATE TO THE NEW BOARD THE NINE MEMBERS MOST ADVANCED IN THE TECHNOLOGY OF NUCLEAR ENERGY, "AND THE MEMBER MOST ADVANCED... IN EACH (OF THE AGENCY'S EIGHT GEOGRAPHIC AREAS) IN WHICH NONE OF THE ... NINE IS LOCATED." NOTE THAT WHILE PRESENT NUMBER OF DESIGNATED BOARD MEMBERS IS AND HAS BEEN FOR SOME TIME 12, NUMBER OF DESIGNEES THEORETICALLY COULD VARY IN NUMBER FROM 9 TO 16 DEPENDING ON THE NUMBER OF AREAS REPRESENTED AMONG THE NINE. NOTE FURTHER THAT, AS POINTED OUT REF A, PARA 3, PRACTICE OF BOARD HAS BEEN SIMPLY TO DESIGNATE THESE STATES IN ALPHABETICAL ORDER,

WITHOUT SPECIFYING WHICH ARE AMONG FIRST NINE. THIS BEING CASE, IT WOULD BE POSSIBLE TO DESIGNATE 13 "ADVANCED" STATES TO INCLUDE BOTH SOUTH AFRICA AND ANOTHER AFRICAN STATE. ASSUMPTION WHICH WOULD REQUIRE TACIT ACCEPTANCE BY OTHER MEMBERS WOULD BE EITHER THAT (A) BOTH STATES HAD REPLACED TWO UNIDENTIFIED MEMBERS UNTIL NOW PRESUMED TO BE AMONG THE 9 BUT WHICH WOULD BE PRESUMED TO HAVE SHIFTED TO "REGIONALLY ADVANCED" STATUS OR THAT (B) SOUTH AFRICA WAS NO LONGER CONSIDERED A MEMBER OF AFRICAN REGION.
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5. THIS ARRANGEMENT WOULD REST ON VERY FRGILE BASE INVOLVING A UNANIMOUS, IF TACIT, AGREEMENT AMONG BOARD MEMBERS TO IGNORE REALITY AS IT RELATES TO THE DESIGNATION PROCESS, AND NOT RPT NOT TO OPENLY REQUEST THE CHAIR FOR AN EXPLANATION OF DESIGNATED STATUS. CONSIDERATION MIGHT BE GIVEN TO A MORE PERMANENT ARRANGEMENT INVOLVING AMENDMENT ARTICLE VI TO PROVIDE FOR A NINTH "REGION" OF "OTHER STATES", THIS ARRANGEMENT TO BE PART OF WHATEVER REVISION PROPOSAL COMES BEFORE THE GC THIS FALL. THIS "REGION" WOULD INCLUDE THOSE STATES, SUCH AS SOUTH AFRICA AND ISRAEL WHICH ARE POLITICALLY UNACCEPTABLE TO OTHER MEMBERS OF THOSE AREAS. SUCH AN AGREEMENT WOULD PROBABLY RESULT IN SOME SORT OF ROTATIONAL ARRANGEMENT AMONG THESE TWO IN SHARING THE DESIGNATED SEAT FOR THE NEW "REGION", SIMILAR TO THE BRAZIL/ ARGENTINA ROTATION NOW PRACTICED.

6. WE DO HAVE SOME RESERVATIONS CONCERNING THIS APPROACH. FOR ONE THING, IT DOES VIOLENCE TO THE SPIRIT IF NOT THE LETTER OF THE STATUTE. MOREOVER, IT COULD EASILY PROVOKE INSISTENCE FROM OTHER STATES, MOST NOTABLY SWEDEN AND SPAIN, THAT THEIR OWN CLAIMS TO "ADVANCED" STATUS ALSO BE ACCOMMODATED. MEXICO ALSO IS SUSPECTED OF BEING DISCONTENT WITH ROTATION OF ARGENTINA AND BRAZIL IN DESIGNATED SEAT FOR LATIN AMERICA. IF THIS GOT OUT OF HAND, DESIGNATED MEMBERS OF BOARD COULD GROW TO 16 WHICH WOULD AGGRAVATE PROBLEM WE NOW HAVE IN RESTRAINING WISH OF LDCS TO INCREASE THEIR SHARE OF ELECTIVE SEATS. ON THE OTHER HAND, THERE APPEARS TO BE NO OTHER ALTERNATIVE TO OUTRIGHT VIOLATION OF STATUTE BY EJECTION OF SAG FROM BOARD.

7. AS STATED ABOVE, POSITIVE ACT RE NPT ON PART OF SAG WOULD BE ESSENTIAL PREREQUISITE TO SUCCESS OF THIS APPROACH, AND I RECOMMEND DEPT. DISCUSS WITH UK, CANADA
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AND AUSTRALIA POSSIBILITY OF MAKING JOINT OR COORDINATED

DEMARCHES ASAP TO SAG URGING THIS BE DONE (OTHER THREE MISSIONS ARE MAKING SIMILAR RECOMMENDATIONS TO THEIR CAPITALS). IN MAKING OUR APPROACH, I SUGGEST WE EXPRESS OUR APPRECIATION FOR CONSTRUCTIVE CONTRIBUTION OF SAG TO AGENCY IN PAST AND OUR CONCERN THAT ITS ABILITY TO CONTINUE TO PARTICIPATE ON BOARD IN FUTURE IS BEING JEOPARDIZED BY EXTRANEOUS POLITICAL CONSIDERATIONS; THAT WE ARE WILLING TO DO WHAT WE CAN TO ATTEMPT TO WORK OUT ARRANGEMENT WHICH WOULD MAKE THIS POSSIBLE; HOWEVER, WITHOUT SOME ACT ON PART OF SAG TO HELP ITS OWN CASE BY SIGNIFYING ITS WILLINGNESS TO PARTICIPATE IN NON-PROLIFERATION REGIME, THERE WOULD APPEAR TO BE LITTLE FURTHER WE COULD DO TO HEAD OFF INEVITABLE THOUGH CLEARLY ILLEGAL REMOVAL OF SAG FROM BOARD. IT SHOULD ALSO BE POINTED OUT THAT IN ORDER TO HAVE SIGNIFICANT EFFECT ON CONSULTATIONS PRIOR TO BOARD MEETING, A SOUTH AFRICAN UNDERTAKING IN THIS DIRECTION SHOULD BE MADE NO LATER THAN EARLY MAY.STONE

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